

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 04, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HARRY J. WHITMAN,

Petitioner,

v.

JAMES KEYS, Superintendent Airway

Heights Correction Center,

Respondent.

No. 2:19-CV-00198-SAB

**ORDER DISMISSING § 2241
PETITION**

Although the United States Supreme Court has recently adopted a seemingly cavalier approach to stare decisis,¹ this Court is bound to follow controlling Supreme Court precedent until it is explicitly overruled by that Court. *Nunez-Reyes v. Holder*, 646 F.3d 684, 692 (9th Cir. 2011) (citation omitted).

Based on the reasoning of *Jones v. Hendrix*, __ U.S. __, 143 S.Ct. 1857 (2023), this Court no longer has jurisdiction to hear Mr. Whitman's 2241 Petition.

¹ See, e.g., *Dobbs v. Jackson Women's Health Org.*, __ U.S. __, 142 S. Ct. 2228, 2319-20, 213 L.Ed.2d 545 (2022) (Breyer, J., Sotomayor, J., and Kagan, J., dissenting) (criticizing the majority's "cavalier approach" to stare decisis and arguing that "the Court reverses course today for one reason and one reason only: because the composition of this Court has changed").

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Mr. Whitman's Petition for Writ Ad Habeas Corpus Under 28 U.S.C.
3 § 2241, ECF No. 38, is **DISMISSED**.

4 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
5 forward copies to counsel, and **close** the file.

6 **DATED** this 4th day of August 2023.



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12 Stanley A. Bastian
13 Chief United States District Judge
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